



# **COMMONWEALTH of VIRGINIA**

Matthew J. Strickler  
Secretary of Natural Resources

**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
NORTHERN REGIONAL OFFICE  
13901 Crown Court, Woodbridge, Virginia 22193  
(703) 583-3800  
[www.deq.virginia.gov](http://www.deq.virginia.gov)

David K. Paylor  
Director

Thomas A. Faha  
Regional Director

June 21, 2018

Mr. Dudley Tarlton  
Vice President of Environmental, Safety, and Occupational Health  
TransMontaigne Operating Company, L.P.  
P.O. Box 5660  
Denver, Colorado 80217-5660

Location: City of Fairfax  
Registration No.: 70306

Dear Mr. Tarlton:

Attached is a renewal Title V permit to operate your facility pursuant to 9VAC5 Chapter 80 Article 1 of the Virginia Regulations for the Control and Abatement of Air Pollution. The attached permit will be in effect beginning June 21, 2018.

In the course of evaluating the application and arriving at a final decision to issue this permit, the Department of Environmental Quality (DEQ) deemed the application complete on April 11, 2017 and solicited written public comments by placing a newspaper advertisement in *The Washington Times* on May 1, 2018. The thirty-day required comment period, provided for in 9VAC5-80-270, expired on June 15, 2018.

This permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and/or civil charges. Please read all permit conditions carefully.

This permit approval to operate shall not relieve TransMontaigne Operating Company L.P. of the responsibility to comply with all other local, state, and federal permit regulations.

To review any federal rules referenced in the above paragraph or in the attached permit, the US Government Publishing Office maintains the text of these rules at [www.ecfr.gov](http://www.ecfr.gov), Title 40, Part 70.

The Board's Regulations as contained in Title 9 of the Virginia Administrative Code 5-170-200 provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this case decision notice was mailed or delivered to you. Please consult the relevant regulations for additional requirements for such requests.

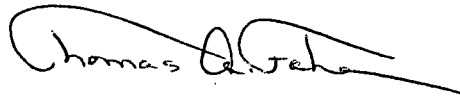
As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal of this decision by filing a Notice of Appeal with:

David K. Paylor, Director  
Department of Environmental Quality  
P. O. Box 1105  
Richmond, VA 23218

If this permit was delivered to you by mail, three days are added to the thirty-day period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this permit, please contact Amber Foster at 804-698-4086.

Sincerely,



Thomas A. Faha  
Regional Director

TAF/AKF/TV-6-21-2018  
Attachment: Title V Permit

cc: Dirk Wold, TransMontaigne (electronic file submission)  
Director, OAPP (electronic file submission)  
Manager, Data Analysis (electronic file submission)  
Manager/Inspector, OACC (electronic file submission)  
Chief, Air Enforcement Branch (3AP13), U.S. EPA, Region 3 (electronic file submission)



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## Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9VAC5-80-50 through 9VAC5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

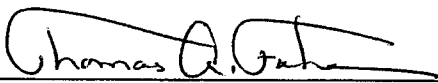
Permittee Name: TransMontaigne Operating Company, L.P.  
Facility Name: Fairfax Terminal  
Facility Location: 3790 Pickett Road  
Fairfax, Virginia 22031

Registration Number: 70306

Permit Number  
NRO70306

Effective Date  
June 21, 2018

Expiration Date  
June 20, 2023

  
Thomas A. Faha  
Regional Director

June 20, 2018  
Signature Date

Permit Consists of 29 pages  
Permit Conditions 1 through 71

## Table of Contents

<b>FACILITY INFORMATION .....</b>	<b>3</b>
<b>EMISSION UNITS .....</b>	<b>4</b>
<b>GASOLINE STORAGE TANK REQUIREMENTS – TANKS.....</b>	<b>6</b>
LIMITATIONS.....	6
MONITORING / INSPECTIONS / TESTING.....	7
RECORDKEEPING AND REPORTING.....	8
NOTIFICATIONS.....	9
<b>LOADING RACK REQUIREMENTS.....</b>	<b>10</b>
LIMITATIONS.....	10
MONITORING / INSPECTIONS / TESTING.....	11
RECORDKEEPING AND REPORTING.....	13
NOTIFICATIONS.....	14
<b>FACILITY WIDE CONDITIONS .....</b>	<b>15</b>
<b>INSIGNIFICANT EMISSION UNITS .....</b>	<b>19</b>
<b>PERMIT SHIELD &amp; INAPPLICABLE REQUIREMENTS .....</b>	<b>20</b>
<b>GENERAL CONDITIONS .....</b>	<b>21</b>

## **Facility Information**

### Permittee:

TransMontaigne Operating Company, L.P.

1670 Broadway, Suite 3100

Denver, Colorado 80202

### Responsible Official:

Mr. Dudley Tarlton

Vice President of Environmental, Safety, and Occupational Health

P.O. Box 5660

Denver, Colorado 80217-5660

### Facility:

TransMontaigne Operating Company Inc. – Fairfax Terminal

3790 Pickett Road

Fairfax, Virginia 22031

### Contact Person:

Mr. Dirk Wold

Senior Air Quality Specialist

(303) 860-5128

**County-Plant Identification Number:** 51-600-00082

**Facility Description:** NAICS 493190 (Other Warehousing and Storage (Bulk Petroleum Storage)) - This industry comprises establishments primarily engaged in operating warehousing and storage facilities (except general merchandise, refrigerated, and farm product warehousing and storage). The facility handles petroleum products including gasoline, distillate, jet fuel, and residual oils. Currently there are 9 gasoline / lower vapor pressure product storage tanks, 3 additive/low-sulfur diesel fuel, or Jet A fuel storage tanks, and 5 distillate / additive or water storage tanks. In addition, one loading rack (LR-1) is located at the facility. It is comprised of 5 lanes with 23 loading arms. Total permitted gasoline and lower vapor pressure products throughput for the facility is 1,000,000,000 gallons per year; distillate throughput is limited to 1,150,000,000 gallons per year. This source is located in a nonattainment area for ozone and is Title V major for Volatile Organic Compounds (VOC).

## Emission Units

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description*	PCD ID	Pollutant Controlled	Applicable Permit Date
TK-101	N/A	Vertical fixed roof storage tank for gasoline or lower vapor pressure products and Ethanol	2,438,184 gal	Internal Floating Roof (IFR) resting on surface of liquid contents; equipped with mechanical seals to close space between roof edge and tank shell	N/A	Volatile Organic Compound (VOC)	Current NSR 11/29/2011
TK-102	N/A	Vertical fixed roof storage tank for gasoline or lower vapor pressure products and Ethanol	2,438,184 gal	IFR resting on surface of liquid contents; equipped with mechanical seals to close space between roof edge and tank shell	N/A	VOC	Current NSR 11/29/2011
TK-104	N/A	Vertical fixed roof storage tank for gasoline or lower vapor pressure products and Ethanol	2,438,184 gal	IFR resting on surface of liquid contents; equipped with mechanical seals to close space between roof edge and tank shell	N/A	VOC	Current NSR 11/29/2011
TK-105	N/A	Vertical fixed roof storage tank for gasoline or lower vapor pressure products and Ethanol	2,438,184 gal	IFR resting on surface of liquid contents; equipped with mechanical seals to close space between roof edge and tank shell	N/A	VOC	Current NSR 11/29/2011
TK-106	N/A	Vertical fixed roof storage tank for gasoline or lower vapor pressure products and Ethanol	211,092 gal	IFR resting on surface of liquid contents; equipped with mechanical seals to close space between roof edge and tank shell	N/A	VOC	Current NSR 11/29/2011
TK-109	N/A	Vertical fixed roof storage tank for gasoline or lower vapor pressure products and Ethanol	602,196 gal	IFR resting on surface of liquid contents; equipped with mechanical seals to close space between roof edge and tank shell	N/A	VOC	Current NSR 11/29/2011
TK-110	N/A	Vertical fixed roof storage tank for gasoline or lower vapor pressure products and Ethanol	846,006 gal	IFR resting on surface of liquid contents; equipped with mechanical seals to close space between roof edge and tank shell	N/A	VOC	Current NSR 11/29/2011
TK-111	N/A	Vertical fixed roof storage tank for gasoline or lower vapor pressure products and Ethanol	3,384,108 gal	IFR resting on surface of liquid contents; equipped with mechanical seals to close space between roof edge and tank shell	N/A	VOC	Current NSR 11/29/2011

TK-112	N/A	Vertical fixed roof storage tank for gasoline or lower vapor pressure products and Ethanol	3,384,108 gal	IFR resting on surface of liquid contents; equipped with mechanical seals to close space between roof edge and tank shell	N/A	VOC	Current NSR 11/29/2011
LR-1	Vapor Combustion Unit (VCU)	Gasoline/ lower vapor pressure products, ethanol, or distillate loading rack	120,000 gal/hour	Vapor collection system and VCU	VCU	VOC	Current NSR 11/29/2011

\*The Size/Rated capacity, and PCD efficiency is provided for informational purposes only, and is not an applicable requirement.

## Gasoline Storage Tank Requirements – Tanks

### Limitations

1. **Gasoline Storage Tank Requirements – Limits** - Combined emissions from the operation of the storage tanks (TK-101, TK-102, TK-104, TK-105, TK-106, TK-109, TK-110, TK-111, TK-112 including landing losses) shall not exceed the limit specified below:

Equipment	Pollutant	Tons/year
Tanks (TK-101, TK-102, TK-104, TK-105, TK-106, TK-109, TK-110, TK-111, TK-112)	VOC	55.13

These emissions are derived from the estimated overall emission contribution resulting from tank standing loss, tank working loss, and roof landing loss based upon the fuel throughput specified in Conditions 10 and 11 of this permit.

(9VAC5-80-110 and Condition 12 of NSR Permit, 11/29/2011)

2. **Gasoline Storage Tank Requirements – Limits**

- A. Volatile organic compound (VOC) emissions from the storage tanks shall be controlled by Internal Floating Roof (IFR) resting on the surface of the liquid contents and equipped with a closure seal, or seals (e.g., a liquid-mounted seal or mechanical shoe seal), to close the space between the roof edge and tank shell.
- B. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.
- C. All tank gauging and sampling devices should be vapor tight except when gauging or sampling is taking place.
- D. There should be no visible holes, tears or other openings in the seal or any seal fabric.
- E. All openings, except stub drains, should be equipped with a cover, seal or lid. The cover, seal or lid should be in a closed position at all times except when the device is in actual use. Automatic bleeder vents should be closed at all times except when the roof is floated off or landed on the roof leg supports. Rim vents, if provided, should be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.
- F. The exterior above ground surfaces (exposed to sunlight) should be painted white, light pastels, or light metallic and such exterior paint should be periodically maintained in good condition. Repainting may be performed during normal maintenance periods.



(9VAC5-80-110, 40 CFR 60.112, 40 CFR 63.11087, and Condition 2 of NSR Permit, 11/29/2011)

**Monitoring / Inspections / Testing**

3. **Gasoline Storage Tank Requirements – Monitoring / Inspections / Testing** - Gasoline storage tanks shall be provided with adequate access for inspection.  
(9VAC5-80-110 and Condition 2 of NSR Permit, 11/29/2011)
4. **Gasoline Storage Tank Requirements - Monitoring / Inspections / Testing** – The permittee shall inspect gasoline storage tanks equipped with an internal floating roof according to the requirements of §60.113b(a). This includes the following:
  - A. Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), prior to filling the storage vessel with volatile organic liquid (VOL). If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.
  - B. For vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in §60.115b(a)(3). Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.
  - C. For vessels equipped with a double-seal system as specified in §60.112b(a)(1)(ii)(B):
    - 1) Visually inspect the vessel as specified in paragraph 60.113b(a)(4) of this section at least every 5 years; or
    - 2) Visually inspect the vessel as specified in paragraph 60.113b(a)(2) of this section.
  - D. Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the

gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with VOL. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in §60.113b(a)(2) and (a)(3)(ii) and at intervals no greater than 5 years in the case of vessels specified in paragraph §60.113b(a)(3)(i).

(9VAC5-80-110, 40 CFR 63.11092(e)(1), and Condition 16 of NSR Permit, 11/29/2011)

### **Recordkeeping and Reporting**

5. **Gasoline Storage Tank Requirements – Recordkeeping** – The permittee shall maintain records of the throughput quantities and types of petroleum liquids stored, the period of storage, the average monthly storage temperature, and true vapor pressure of the liquid as stored, and the results of annual visual inspections.

(9VAC5-80-110, 40 CFR 60 Subpart K, and Condition 15 of NSR Permit, 11/29/2011)

6. **Gasoline Storage Tank Requirements – Recordkeeping** – The permittee shall record the condition of the cover and seal when the tank is emptied for nonoperational reasons such as maintenance, an emergency, or other similar purposes.

(9VAC5-80-110 and Condition 15 of NSR Permit, 11/29/2011)

7. **Gasoline Storage Tank Requirements - Recordkeeping**

- A. The permittee shall maintain records for tanks as specified in 40 CFR 63.1065 (Part 63 Subpart WW). Records shall include:

- 1) Vessel dimensions and capacity and liquid stored;
- 2) Floating roof inspection results;
- 3) Date when floating roof is set on its legs or other support devices; keep record of date when roof was refloated and indicate whether the process of refloating was continuous.

- B. Owners or operators subject to the equipment leak provisions of §63.11089 shall prepare and maintain a record describing types, identification numbers, and locations of all equipment in gasoline service.

- C. Each owner or operator subject to equipment leak inspections under §63.11089 shall record in the log book for each leak that is detected the information specified in §63.11094(e)(1) through (7):

- 1) The equipment type and identification number

- 2) The nature of the leak (i.e., vapor or liquid) and the method of detection (i.e., sight, sound, or smell).
- 3) The date the leak was detected and the date of each attempt to repair the leak.
- 4) Repair methods applied in each attempt to repair the leak.
- 5) "Repair delayed" and the reason for the delay if the leak is not repaired within 15 calendar days after discovery of the leak.
- 6) The expected date of successful repair of the leak if the leak is not repaired within 15 days.
- 7) The date of successful repair of the leak.

D. Owners or operators must do the following, as applicable:

- 1) Keep an up-to-date, readily accessible record of the continuous monitoring data required under 40 CFR 63.11092(b) or 40 CFR 63.11092(e);
- 2) Record and report simultaneously with the Notification of Compliance Status required under 40 CFR 63.11093(b);
- 3) Keep an up-to-date, readily accessible copy of the monitoring and inspection plan required under 40 CFR 63.11092(b)(1)(i)(B)(2) or 40 CFR 63.11092(b)(1)(iii)(B)(2);
- 4) Keep an up-to-date, readily accessible record of all system malfunctions, as specified in 40 CFR 63.11092(b)(1)(i)(B)(2)(v) or 40 CFR 63.11092(b)(1)(iii)(B)(2)(v);
- 5) If an owner or operator requests approval to use a vapor processing system or monitor an operating parameter other than those specified in 40 CFR 63.11092(b), the owner or operator shall submit a description of planned reporting and recordkeeping procedures.

- E. The owner or operator shall keep records of the occurrence and duration of each malfunction of operation or the air pollution control and monitoring equipment and records of action taken during periods of malfunction to minimize emissions. This includes corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.  
(9VAC5-80-110, 40 CFR 63.11094, 40 CFR 63.11087)

**Notifications**

**8. Gasoline Storage Tank Requirements – Notifications**

- A. The permittee shall notify the Regional Air Compliance Manager, Northern Regional Office (NRO) and EPA Administrator, Region 3 in writing at least 30 days prior to the filling or refilling of each storage tank for which an inspection is required (e.g., 60.113b(a)(1) and (a)(4)) to afford the opportunity to have an observer present.
- B. If the inspection required by 60.113b(a)(4) is not planned and the owner or operator could not have known about the inspection 30 days in advance or refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Administrator at least 7 days prior to the refilling.

(9VAC5-80-110, 40 CFR 63.11092(e)(1), and Condition 16 of NSR Permit, 11/29/2011)

## Loading Rack Requirements

### Limitations

9. **Loading Rack Requirements – Limits** - Emissions from the operation of the VCU shall not exceed the following limits:

Equipment	Pollutant	Tons/year	mg/l of gasoline
Loading Rack -- VCU	VOC	42.19	10

These emissions are derived from the estimated overall emission contribution from fuel throughput limits specified in Conditions 10 and 11 of this permit. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. (9VAC5-80-110 and Condition 11 of NSR Permit, 11/29/2011)

10. **Loading Rack Requirements - Limits** – The combined annual fuel throughput of gasoline and lower vapor pressure products (ethanol, gasoline-ethanol blends, and other products with a vapor pressure greater than 1.5 psi) through the tank truck loading rack (LR-1) shall be limited to 1,000,000,000 gallons calculated monthly as the sum of each consecutive 12-month period. Compliance shall be demonstrated by keeping records in accordance with Condition 29 of this permit. (9VAC5-80-110 and Condition 5 of NSR Permit, 11/29/2011)
11. **Loading Rack Requirements - Limits** - The annual fuel throughput of distillate through the tank truck loading rack (LR-1) shall be limited to 1,150,000,000 gallons calculated monthly as the sum of each consecutive 12-month period. Compliance shall be demonstrated by keeping records in accordance with Condition 29 of this permit. (9VAC5-80-110 and Condition 6 of NSR Permit, 11/29/2011)

**12. Loading Rack Requirements – Limits** – The permittee shall comply with the following requirements:

- A. Volatile Organic Compounds (VOC) emissions from the truck loading rack shall be captured by the vapor collection system and controlled by the John Zink Vapor Combustion Unit (VCU).
- B. The owner or operator shall act to assure that the terminal's and the tank truck's vapor collection systems are connected during each loading of a gasoline tank truck at the affected facility. Examples of actions to accomplish this include training drivers in the hookup procedures and posting visible reminder signs at the affected loading racks.
- C. Vapor-laden trucks or account trucks exclusively serving gasoline bulk loading facilities may be refilled only at the loading rack when the vapor collection system and VCU control devices are in operation.
- D. Limit the loading of gasoline into gasoline cargo tanks that are vapor tight using the procedures specified in 40 CFR 60.502(e) through (j). For the purposes of this requirement, the term “tank truck” as used in §60.502(e) through (j) of Subpart BBBBBB means “cargo tank” as defined in §63.11100.
- E. The owner or operator shall act to assure that loadings of gasoline tank trucks at the affected facility are made only into tanks equipped with vapor collection equipment that is compatible with the terminal's vapor collection system.
- F. Tank truck and account truck hatches shall be closed at all times during loading and unloading operations (periods during which there is liquid flow into or out of the truck) at gasoline bulk loading facilities.
- G. Each vapor collection system shall be designed to prevent any total organic compound vapors collected at one loading rack from passing to another loading rack.
- H. The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding 4,500 Pascals (450 mm of water) during product loading. This level is not to be exceeded when measured by the procedures specified in §60.503(d).

(9VAC5-80-110, 40 CFR 60.502, 40 CFR 63.11088, and Conditions 3 and 8 of NSR Permit, 11/29/2011)

**Monitoring / Inspections / Testing**

- 13. Loading Rack Requirements – Monitoring / Inspections / Testing** – The permittee shall ensure that the vapor collection system and the VCU be provided with adequate access for inspection and shall be in operation when the gasoline loading rack is operating.  
(9VAC5-80-110 and Condition 3 of NSR Permit, 11/29/2011)

14. **Loading Rack Requirements – Monitoring / Inspections / Testing** – In lieu of installing and operating a VOC Continuous Emissions Monitoring System (CEMS), the permittee shall conduct a performance test on an annual basis (no greater than 12 months between successive performance tests) to measure VOC emissions from the VCU. VOC emissions will be tested at the outlet of the VCU to demonstrate an emission rate no greater than the 10 mg/l. A performance test protocol shall be submitted to the Air Compliance Manager of the NRO for approval at least 30 days prior to the date scheduled to conduct the performance evaluation. Sixty days following the completion of the testing, the owner shall provide the Air Compliance Manager of the NRO with one hard copy of the performance test report and one copy of the performance test report on electronic media. (9VAC5-80-110 and Conditions 11 and 18 of NSR Permit, 11/29/2011)
15. **Loading Rack Requirements – Monitoring / Inspections / Testing** – In lieu of the CPMS requirement of 40 CFR 63.11092(b)(1)(iii)(A) and in conjunction with Condition 14 of the underlying NSR 11/29/2011 permit, the permittee shall monitor the presence of the pilot flame of the thermal oxidation system at the loading rack as described in 40 CFR 63.11092 (b)(1)(iii)(B)(1) and the chamber temperature of the VCU. (9VAC5-80-110, Condition 14 of NSR Permit 11/29/2011, and 40 CFR 63.11092 (b)(1)(iii)(B))
16. **Loading Rack Requirements – Monitoring / Inspections / Testing** – The VCU shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. Test ports shall be provided when requested at the appropriate locations or in accordance with the applicable performance specification. (9VAC5-80-110 and Condition 17 of NSR Permit, 11/29/2011)
17. **Loading Rack Requirements – Monitoring / Inspections / Testing** – If the owner or operator has chosen to comply with the performance testing alternatives provided under 40 CFR 63.11092(a)(2) or (a)(3), the monitored operating parameter value may be determined according to the provisions in 40 CFR 63.11092(b)(5)(i) or (ii). (9VAC5-80-110, 40 CFR 63.11092(b)(5))
18. **Loading Rack Requirements – Monitoring / Inspections / Testing** - Each calendar month, the vapor collection system, the vapor processing system, and each loading rack handling gasoline shall be inspected during the loading of gasoline tank trucks for TOC liquid or vapor leaks. For purposes of this paragraph, detection methods incorporating sight, sound, or smell are acceptable. Each detection of a leak shall be recorded and the source of the leak repaired within 15 calendar days after it is detected. (9VAC5-80-110, 40 CFR 60.502)
19. **Loading Rack Requirements – Monitoring / Inspections / Testing** - The following test methods and procedures shall be met, as applicable:
  - A. In conducting performance tests required in Subpart A §60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of 40 CFR Part 60 or other methods and procedures as specified §60.503, except as provided

in §60.8(b). The three separate test runs described in §60.8(f) do not apply to Subpart XX.

- B. Immediately before the performance test required to determine compliance with §60.502 (b), (c), and (h), the owner or operator shall use Method 21 to monitor for leakage of vapor all potential sources in the terminal's vapor collection system equipment while a gasoline tank truck is being loaded. The owner or operator shall repair all leaks with readings of 10,000 ppm (as methane) or greater before conducting the performance test.
- C. The owner or operator shall determine compliance with the standards in §60.502 (b) and (c) by following the performance test procedures in §60.503 (c) (1) through (7).
- D. The owner or operator shall determine compliance with the standards in §60.502 (h) by following the performance test procedures in §60.503 (d) (1) through (2). (9VAC5-80-110, 40 CFR 60.503 (Subpart XX))

## **Recordkeeping and Reporting**

### **20. Loading Rack Requirements – Recordkeeping**

- A. The owner or operator shall obtain vapor tightness documentation described in §60.505 (b) (40 CFR Subpart XX) for each gasoline tank truck which is to be loaded at the affected facility.
- B. The tank truck vapor tightness documentation required under shall be kept on file at the terminal in a permanent form available for inspection.
- C. Documentation for each gasoline truck shall be updated at least once per year to reflect current test results as determined by Method 27.
- D. A record of each monthly leak inspection required under §60.502(j) shall be kept on file at the terminal for at least 2 years. Inspection records shall include, as a minimum, the following information:
  - 1) Date of inspection.
  - 2) Findings.
  - 3) Leak determination method.
  - 4) Corrective action (date each leak repaired; reasons for any repair interval in excess of 15 days).
  - 5) Inspector name and signature.

- E. The terminal owner or operator shall keep documentation of all notifications required under §60.502(e)(4) on file at the terminal for at least 2 years.
- F. Review §60.505(e) (1) and (2) for alternative recordkeeping practices.
- G. The owner or operator of affected facilities shall keep records of all replacements or additions of components performed on an existing vapor processing system for at least 3 years.  
(9VAC5-80-110, 40 CFR 60.505)

- 21. **Loading Rack Requirements – Recordkeeping** - Records must be kept and reports submitted as specified in §§63.11094 and 63.11095.  
(9VAC5-80-110, 40 CFR 63.11094 and 11095)

#### **Notifications**

- 22. **Notification for Control Equipment Maintenance** – The permittee shall furnish written notification to the DEQ NRO Air Compliance Manager at the following of the intention to shut down or bypass, or both, air pollution control equipment for necessary scheduled maintenance, which results in excess emissions for more than one hour, at least twenty-four hours prior to the shutdown. The notification shall include, but is not limited to, the following information:
  - A. Identification of the air pollution control equipment to be taken out of service, as well as its location, and registration number;
  - B. The expected length of time that the air pollution control equipment will be out of service;
  - C. The nature and quantity of emissions of air pollutants likely to occur during the shutdown period;
  - D. Measures that will be taken to minimize the length of the shutdown or to negate the effect of the outage.  
(9VAC5-80-110 and Condition 20 of NSR Permit, 11/29/2011)
- 23. **Notification for Facility or Control Equipment Malfunction** – The permittee shall furnish notification to the DEQ NRO Air Compliance Manager of malfunctions of the affected facility or related air pollution control equipment that may cause excess emissions for more than one hour, by email, facsimile transmission, telephone, or telegraph. Such notification shall be made as soon as practicable but not later than four daytime business hours of the malfunction. The permittee shall provide a written statement giving all pertinent facts, including the estimated duration of the breakdown, within two weeks of the occurrence. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the permittee shall notify the DEQ NRO Air Compliance Manager in writing at the following address:



Regional Air Compliance Manager  
Northern Regional Office  
Department of Environmental Quality  
13901 Crown Court  
Woodbridge, Virginia 22193

If, after inspection, it is determined that a defect is present, TransMontaigne Operating Company, LP – Fairfax Terminal shall notify the DEQ NRO Air Compliance Manger in writing within 30 days of the inspection. The notification shall identify the tank, the nature of the defect(s), the date the tank was emptied or will be emptied, and the nature and date the repair was or will be made. The notification shall also include, if necessary, the request for a 30-day extension to empty and/or repair the tank.

(9VAC5-80-110 and Condition 21 in NSR Permit, 11/29/2011)

## Facility Wide Conditions

24. **Facility Wide Conditions – Emission Limits** – Total VOC emissions from the bulk gasoline distribution facility shall not exceed:

Pollutant	Tons/year
Volatile Organic Compounds	97.32

Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition 10 and Condition 11.

(9VAC5-80-110 and Condition 13 of NSR Permit, 11/29/2011)

25. **Facility Wide Conditions – Emission Limits** – This permit recognizes that fugitive VOC emissions of an additional 8 mg/l of gasoline are known to be emitted from a vapor tight cargo tank during loading operations, therefore, an additional maximum of 33.38 tons per year of VOC fugitive emissions (based on 8 mg/l and 1,000,000,000 gallons of gasoline throughput and negligible contribution from distillate fuel oil) may be emitted from trucks during the loading operation. This estimate of maximum VOC fugitive emissions is not an enforceable limit of this permit, and is only to be used for emission inventory calculations and fee determinations.

(9VAC5-80-110 and Condition 13 of NSR Permit, 11/29/2011)

26. **Facility Wide Conditions -** Each owner or operator of an affected source under 40 CFR 63 Subpart BBBBBB must comply with the following requirements:

- A. You must at all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based

on information available to the Administrator, which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

- B. The source must keep applicable records and submit reports as specified in §63.11094(g) and §63.11095(d).  
(9VAC5-80-110 and 40 CFR 63.11085)
27. **Facility Wide Conditions – VOC Work Practice Standards** – At all times the disposal of volatile organic compounds shall be accomplished by taking measures, to the extent practicable, consistent with air pollution control practices for minimizing emissions. Volatile organic compounds shall not be intentionally spilled, discarded in sewers which are not connected to a treatment plant, or stored in open containers or handled in any other manner that would result in evaporation beyond that consistent with air pollution control practices for minimizing emissions.  
(9VAC5-50-20 F., 9VAC5-80-110 and Condition 4 of NSR Permit, 11/29/2011)
28. **Facility Wide Conditions – Equipment Leak Inspections for all EUs in gasoline service (TK-101, TK-102, TK-104, TK-105, TK-106, TK-109, TK-110, TK-111, TK-112, LR-1)**
- A. Each owner or operator of a bulk gasoline terminal subject to Subpart BBBBBB shall perform a monthly leak inspection of all equipment in gasoline service, as defined in §63.11100. For this inspection, detection methods incorporating sight, sound, and smell are acceptable.
- B. A log book shall be used and shall be signed by the owner or operator at the completion of each inspection. A section of the log book shall contain a list, summary description, or diagram(s) showing the location of all equipment in gasoline service at the facility.
- C. Each detection of a liquid or vapor leak shall be recorded in the log book. When a leak is detected, an initial attempt at repair shall be made as soon as practicable, but no later than 5 calendar days after the leak is detected. Repair or replacement of leaking equipment shall be completed within 15 calendar days after detection of each leak, except as provided in paragraph D. of this Condition.
- D. Delay of repair of leaking equipment will be allowed if the repair is not feasible within 15 days. The owner or operator shall provide in the semiannual report specified in §63.11095(b), the reason(s) why the repair was not feasible and the date each repair was completed.
- E. Compliance with the requirements of Subpart BBBBBB must be met by the applicable dates specified in §63.11083.
- F. Applicable notifications must be submitted as required under §63.11093.

G. Recordkeeping and report submittals must be as specified in §§63.11094 and 63.11095.

(9VAC5-80-110, 40 CFR 63.11089)

29. **Facility Wide Conditions - Recordkeeping** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Northern Regional Office. These records shall include, but are not limited to:

- A. Monthly throughput of gasoline or lower vapor pressure products and ethanol through the loading rack (LR-1).
- B. Annual throughput of gasoline or lower vapor pressure products and ethanol through the loading rack (LR-1) calculated monthly as the sum of each consecutive 12-month period. Compliance with the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
- C. Monthly throughput of gasoline or lower vapor pressure products and ethanol through the storage tanks.
- D. Annual throughput of gasoline or lower vapor pressure products and ethanol through the storage tanks calculated monthly as the sum of each consecutive 12-month period. Compliance with the consecutive 12-month period shall be demonstrated by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
- E. Monthly throughput of distillate fuel products through the storage tanks.
- F. Annual throughput of distillate fuel products through the storage tanks calculated monthly as the sum of each consecutive 12-month period. Compliance with the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
- G. The total amount of volatile organic compounds, expressed as VOC, emitted from the facility, calculated monthly as the sum of the most recent 12 consecutive month period. Compliance with the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar months to the individual monthly totals for the preceding 11 months.
- H. Internal Floating Roof Inspection records shall identify the storage tank on which the inspection was performed and shall contain the date the tank(s) was inspected and the observed condition of each component of the control equipment (floating roof, seals, and fittings).

- I. A record of the chamber temperature of the VCU as required in Condition 15 shall be kept.
  - J. Maintain records of the types of petroleum liquids stored, the average monthly storage temperature, and true vapor pressure of the liquid as stored, and the results of the inspections performed.
  - K. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.  
(9VAC5-80-110 and Condition 19 of NSR Permit, 11/29/2011)
30. **Facility Wide Conditions - Testing** - The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.  
(9VAC5-80-110 and 9VAC5-50-30)
31. **Facility Wide Conditions - Testing** - If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.  
(9VAC5-80-110)
32. **Facility Wide Conditions – Reporting**
- A. The owner or operator of a bulk terminal subject to Subpart BBBBBB shall include a semi-annual compliance report to the Administrator that includes the following information:
    - 1) For storage vessels, the information specified in §60.115b(a), §60.115b(b), or §60.115b(c) of this chapter, depending upon the control equipment installed.
    - 2) For loading racks, each loading of a gasoline cargo tank for which vapor tightness documentation had not been previously obtained by the facility.
    - 3) For equipment leak inspections, the number of equipment leaks not repaired within 15 days after detection.
  - B. Each owner or operator subject to the control requirements of Subpart BBBBBB shall submit an excess emissions report to the Administrator at the time the semiannual compliance report is submitted. Excess emissions events under Subpart BBBBBB, and the information to be included in the excess emissions report, are specified below:
    - 1) Each instance of a non-vapor-tight gasoline cargo tank loading at the facility in which the owner or operator failed to take steps to assure that such cargo tank would not be reloaded at the facility before vapor tightness documentation for that cargo tank was obtained.

- 2) Each reloading of a non-vapor-tight gasoline cargo tank at the facility before vapor tightness documentation for that cargo tank is obtained by the facility in accordance with §63.11094(b).
  - 3) Each exceedance or failure to maintain, as appropriate, the monitored operating parameter value determined under §63.11092(b). The report shall include the monitoring data for the days on which exceedances or failures to maintain have occurred, and a description and timing of the steps taken to repair or perform maintenance on the vapor collection and processing systems or the CMS.
  - 4) Each instance in which malfunctions discovered during the monitoring and inspections required under §63.11092(b)(1)(i)(B)(2) and (b)(1)(iii)(B)(2) were not resolved according to the necessary corrective actions described in the monitoring and inspection plan. The report shall include a description of the malfunction and the timing of the steps taken to correct the malfunction.
  - 5) For each occurrence of an equipment leak for which no repair attempt was made within 5 days or for which repair was not completed within 15 days after detection:
    - (a) The date on which the leak was detected;
    - (b) The date of each attempt to repair the leak;
    - (c) The reasons for the delay of repair; and
    - (d) The date of successful repair.
  - 6) If no excess emission events have occurred during the previous 6-month period, no report is required.
- C. Each owner or operator of an affected source under Subpart BBBBBB shall submit a semiannual report including the number, duration, and a brief description of each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with §63.11085(a), including actions taken to correct a malfunction. The report may be submitted as a part of the semiannual compliance report, if one is required.
- (9VAC5-80-110, 40 CFR 63.11095)

### Insignificant Emission Units

33. **Insignificant Emission Units** - The following emission units at the facility are identified in the application as insignificant emission units under 9VAC5-80-720:

Emission Unit No.	Emission Unit Description (install date)	Pollutant(s) Emitted (9VAC5-80-720 B)
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TK-103	Cone Roof Distillate Storage Tank (1965)	VOC
TK-107	Cone Roof Distillate Storage Tank (1965)	VOC
TK-108	Cone Roof Distillate Storage Tank (1987)	VOC
TK-113	Horizontal Fixed Roof Additive Storage Tank (1986)	VOC
TK-114	Horizontal Fixed Roof Distillate Storage Tank (1965)	VOC
TK-115	Horizontal Fixed Roof Additive Storage Tank (1995)	VOC
TK-116	Horizontal Fixed Roof Distillate Storage Tank 1996)	VOC
TK-117	Horizontal Fixed Roof Additive Storage Tank (2006)	VOC
---	Island for loading diesel trucks	VOC

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act, as applicable. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9VAC5-80-110. (9VAC5-80-110)

## Permit Shield & Inapplicable Requirements

34. **Permit Shield & Inapplicable Requirements** - Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60.110a	Subpart Ka - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984	(a) <i>Affected facility</i> ...the affected facility to which this subpart applies is each storage vessel with a storage capacity greater than 151,416 liters (40,000 gallons) that is used to store petroleum liquids for which construction is commenced after May 18, 1978. All potentially applicable tanks were constructed prior to 1978.
40 CFR 60.110b	Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984	(a)... the affected facility to which this subpart applies is each storage vessel with a capacity greater than or equal to 75 cubic meters (m <sup>3</sup> ) that is

		used to store volatile organic liquids (VOL) for which construction, reconstruction, or modification is commenced after July 23, 1984. All potentially applicable tanks with were constructed prior to 1984.
40 CFR 63.420	Subpart R—National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)	The source is exempt from Subpart R because the source is NOT major for HAPs.
40 CFR 68	Chemical Accident Prevention Provisions (Section 112(r))	The facility does not contain regulated substances in threshold quantities.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9VAC5-80-110 and 9VAC5-80-140)

## General Conditions

35. **General Conditions - Federal Enforceability** - All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.  
(9VAC5-80-110)
36. **General Conditions - Permit Expiration** - This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9VAC5-80-80, the right of the facility to operate shall be terminated upon permit expiration.  
(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)
37. **General Conditions - Permit Expiration** - The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.  
(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)
38. **General Conditions - Permit Expiration** - If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of

Article 1, Part II of 9VAC5 Chapter 80, until the Board takes final action on the application under 9VAC5-80-150.

(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)

39. **General Conditions - Permit Expiration** - No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9VAC5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9VAC5 Chapter 80.  
(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)
40. **General Conditions - Permit Expiration** - If an applicant submits a timely and complete application under section 9VAC5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9VAC5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.  
(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)
41. **General Conditions - Permit Expiration** - The protection under subsections F 1 and F 5 (ii) of section 9VAC5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9VAC5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.  
(9VAC5-80-80, 9VAC5-80-110 and 9VAC5-80-170)
42. **General Conditions -Recordkeeping and Reporting** - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
- A. The date, place as defined in the permit, and time of sampling or measurements;
  - B. The date(s) analyses were performed;
  - C. The company or entity that performed the analyses;
  - D. The analytical techniques or methods used;
  - E. The results of such analyses; and
  - F. The operating conditions existing at the time of sampling or measurement.  
(9VAC5-80-110 and 40 CFR 70.6 (a)(3)(ii))
43. **General Conditions -Recordkeeping and Reporting** - Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all



calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.  
(9VAC5-80-110)

44. **General Conditions -Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9VAC5-80-80 G, and shall include:
- A. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; and
  - B. All deviations from permit requirements. All instances of deviations from permit requirements must be clearly identified. For purpose of this permit, deviations include, but are not limited to:
    - 1) Exceedances of emissions limitations or operational restrictions;
    - 2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
    - 3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
  - C. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."  
(9VAC5-80-110 and 40 CFR 70)
45. **General Conditions - Annual Compliance Certification** - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9VAC5-80-80 G, and shall include:
- A. The time period included in the certification. The time period to be addressed is January 1 to December 31;

- B. The identification of each term or condition of the permit that is the basis of the certification;
- C. The compliance status;
- D. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
- E. Consistent with subsection 9VAC5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;
- F. Such other facts as the permit may require to determine the compliance status of the source; and
- G. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3\_APD\_Permits@epa.gov  
(9VAC5-80-110)

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46. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the Northern Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation.  
(9VAC5-80-110 F. 2)

47. **General Conditions - Failure/Malfunction Reporting** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall no later than four daytime business hours after the malfunction is discovered, notify the Northern Regional Office such failure or malfunction and within 14 days provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9VAC5-40-50 C and 9VAC5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9VAC5-40-40 and 9VAC5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Northern Regional Office.  
(9VAC5-80-110 and 9VAC5-20-180)

48. **General Conditions - Severability** - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any

circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.  
(9VAC5-80-110)

49. **General Conditions - Duty to Comply** - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.  
(9VAC5-80-110)
50. **General Conditions - Need to Halt or Reduce Activity not a Defense** - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.  
(9VAC5-80-110)
51. **General Conditions - Permit Modification** - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9VAC5-80-50, 9VAC5-80-1100, 9VAC5-80-1605, or 9VAC5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.  
(9VAC80-110, 9VAC5-80-190 and 9VAC5-80-260)
52. **General Conditions - Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9VAC5-80-110)
53. **General Conditions - Duty to Submit Information** - The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.  
(9VAC5-80-110)
54. **General Conditions - Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9VAC5-80-80 G.  
(9VAC5-80-110)
55. **General Conditions - Duty to Pay Permit Fees** - The owner of any source for which a permit under 9VAC5-80-50 through 9VAC5-80-300 was issued shall pay permit fees consistent with the requirements of 9VAC5-80-310 through 9VAC5-80-350 in addition to an annual permit maintenance fee consistent with the requirements of 9VAC5-80-2310

through 9VAC5-80-2350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. The amount of the annual permit maintenance fee shall be the largest applicable base permit maintenance fee amount from Table 8-11A in 9VAC5-80-2340, adjusted annually by the change in the Consumer Price Index. (9VAC5-80-110, 9VAC5-80-340 and 9VAC5-80-2340)

56. **General Conditions - Fugitive Dust Emission Standards** - During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

- A. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
  - B. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
  - C. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
  - D. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
  - E. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
- (9VAC5-80-110, 9VAC5-40-90, and 9VAC5-50-90)

57. **General Conditions - Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
- (9VAC5-80-110, 9VAC5-50-20 E, and 9VAC5-40-20 E)

58. **General Conditions - Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9VAC5 Chapter 80, Article 1.  
(9VAC5-80-110)
59. **General Conditions - Inspection and Entry Requirements** - The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:
- A. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
  - B. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
  - C. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
  - D. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.  
(9VAC5-80-110)
60. **General Conditions - Reopening for Cause** - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9VAC5-80-80 F. The conditions for reopening a permit are as follows:
- A. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
  - B. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

- C. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9VAC5-80-110 D.  
(9VAC5-80-110)
61. **General Conditions - Permit Availability** - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.  
(9VAC5-80-110 and 9VAC5-80-150)
62. **General Conditions - Transfer of Permits** - No person shall transfer a permit from one location to another, unless authorized under 9VAC5-80-130, or from one piece of equipment to another.  
(9VAC5-80-110 and 9VAC5-80-160)
63. **General Conditions - Transfer of Permits** - In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9VAC5-80-200.  
(9VAC5-80-110 and 9VAC5-80-160)
64. **General Conditions - Transfer of Permits** - In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9VAC5-80-200.  
(9VAC5-80-110 and 9VAC5-80-160)
65. **General Conditions - Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9VAC5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.  
(9VAC5-80-110, 9VAC5-80-190 C and 9VAC5-80-260)
66. **General Conditions - Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.  
(9VAC5-80-110 and 9VAC5-80-80 E)

67. **General Conditions - Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.  
(9VAC5-80-110 and 40 CFR Part 82)
68. **General Conditions - Asbestos Requirements** - The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).  
(9VAC5-60-70 and 9VAC5-80-110)
69. **General Conditions - Accidental Release Prevention** - If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(9VAC5-80-110 and 40 CFR Part 68)
70. **General Conditions - Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.  
(9VAC5-80-110)
71. **General Conditions - Emissions Trading** - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
  - A. All terms and conditions required under 9VAC5-80-110, except subsection N, shall be included to determine compliance.
  - B. The permit shield described in 9VAC5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
  - C. The owner shall meet all applicable requirements including the requirements of 9VAC5-80-50 through 9VAC5-80-300.  
(9VAC5-80-110)